

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DIBELLA ENTERTAINMENT, INC.,

Plaintiff,

- against -

O' SHAQUIE FOSTER,

Defendant.

21-cv-2709 (JGK)

ORDER

JOHN G. KOELTL, District Judge:

The Court originally scheduled oral argument for the defendant's application for a preliminary injunction and indicated that it did not think that an evidentiary hearing was needed but deferred to the parties if they thought an evidentiary hearing was necessary. The Court also adjourned the argument date to accommodate the schedule for defense counsel. (ECF. Nos. 53, 54.) The parties responded with dueling letters, each side indicating a desire to question the principal on the other side. (ECF. Nos. 56, 57, 58.)

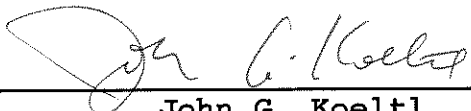
Unless the parties agree to waive the need for an evidentiary hearing, the hearing will proceed with live testimony of the witnesses requested by each party, namely Mr. DiBella and Mr. Foster, on **July 13, 2021**, at **11:00 am**, in Courtroom 14A, 500 Pearl Street, New York, NY. There is ample time to prepare the witnesses and to reschedule any other appointments. If the parties were able to agree on a more

convenient time on July 14 or 15, 2021, the Court would be amenable to changing the time, if the time can be arranged with the Court's deputy clerk, Mr. Fletcher (212-805-0222). To be clear, if there is no agreement to such an alternative time, the hearing will proceed on July 13, 2021 at the previously scheduled time.

Each side will be limited to one hour of witness examination, whether on direct or cross examination or rebuttal or other examination. Whenever a lawyer is questioning a witness that time will be charged to that lawyer's client. The Court is familiar with the issues and that time is more than ample for the relevant examinations that should be contemplated by the parties.

SO ORDERED.

**Dated: New York, New York
July 7, 2021**



**John G. Koeltl
United States District Judge**